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9 Supercell Oy

10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO DIVISION**

14 **IN RE GOOGLE PLAY STORE
15 ANTITRUST LITIGATION**

16 THIS DOCUMENT RELATES TO:

17 *Epic Games, Inc. v. Google LLC et al.*, Case
No. 3:20-cv-05671-JD

Case No: 3:21-md-02981-JD

**DECLARATION OF CIARA McHALE
RE SUPERCELL OY'S REQUEST TO
SEAL PORTION OF TRIAL EXHIBIT
5674, P. 17**

Judge: Hon. James Donato

1 I, Ciara McHale, hereby declare as follows:

2 1. I am an attorney at law licensed to practice in the State of California and the
3 Northern District of California. I am an attorney at the law firm of Tyz Law Group PC, attorneys
4 for Non-Party Supercell Oy in this action. I have personal knowledge of the matters set forth in
5 this and, if called to testify as a witness, would be competent to testify as follows.

6 2. I submit this declaration in support of Supercell's Request seeking to seal the non-
7 public, highly confidential information designated "Non-Party Highly Confidential – Outside
8 Counsel Eyes Only" on page 17 of Trial Exhibit 5674 identified below, and seeking to prevent its
9 presentation in open court by either closing the courtroom, or by (1) publishing such information
10 to the jury, parties and court only, and not to the general public, and (2) not stating the information
11 during the course of trial. As detailed in the accompanying request, there are "compelling
12 reasons" to seal these highly confidential materials of Supercell.

13 3. My client is located in Helsinki, Finland. Supercell has repeatedly been given last-
14 minute notice of potential disclosure of its highly confidential information in open court with no
15 meaningful opportunity to review the notice and document in question, let alone to meaningfully
16 respond to the notice, to confer with opposing counsel regarding treatment of the document, or to
17 otherwise avoid burdening the Court with sealing requests to protect its highly confidential
18 information.

19 4. In this instance, I received an email from counsel for Google on Friday, November
20 10, at 10:30 pm local time in Chicago, Illinois (where I live) providing notice that a portion of
21 Trial Exhibit 5674 (page 17) containing Supercell's highly confidential information designated
22 "Non-Party Highly Confidential – Outside Information Only" might be used in open court on
23 Monday, November 13, and requiring my client to submit any request to seal that information no
24 later than 5 pm Pacific Saturday. At that time, it was already early morning Saturday, November
25 11 in Helsinki. I did not see the email until the very early morning in Chicago, at which time I
26 endeavored immediately to notify my client. However, given the weekend and the time zone
27 differences, and as I explained to counsel for the parties, I have not had access to my client to
28 discuss the document or its disclosure. I therefore asked that counsel for the parties agree to treat

1 the material as sealed if used in court on November 13, in a manner consistent with this request.
2 Counsel for Google indicated it would not use the identified portion of the document in court.
3 Counsel for Epic did not agree to treat it as highly confidential as requested, requiring submission
4 of the instant request.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed on
6 November 11, 2023.

7 /s/Ciara McHale
8 Ciara McHale

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